

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 3-41, 44-46 and 49-51 are pending, each of Claims 49-51 having been added by way of the present amendment. No new matter is added.

In the outstanding Office Action, Claim 51 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter; Claims 3-4, 8, 14, 17, 20, 22, 23, 25, 27, 39, 44, 45-46 and 49-51 were rejected as being anticipated by Maxham, et al. (U.S. Patent Publication No. 2004/0187075, hereinafter Maxham), Claims 5-7, 26 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Maxham, et al. in view of Koppich (U.S. Patent Publication No. US 2005/0141028); Claims 9 and 10 were rejected as being unpatentable over Maxham in view of Koppich and in further view of Shaughnessy et al. (U.S. Patent Publication No. 2004/0205664, hereinafter Shaughnessy); Claim 11, 19, 21 and 24 were rejected as being unpatentable over Maxham in view of Koppich and in further view of Howard (U.S. Patent No. 6,098,079); Claim 12 was rejected as being unpatentable over Maxham in view of Koppich and in further view of Chi (U.S. Patent No. 5,978,917); Claim 13 was rejected as being unpatentable over Maxham in view of Koppich and in further view of Kumashio (U.S. Patent Publication No. 2004/0193631) in further view of Howard; Claims 15 and 16 were rejected as being unpatentable over Maxham and Koppich and Shaughnessy and in further view of Riss et al. (U.S. Patent Publication No. 2004/0103367); Claim 18 was rejected as being unpatentable over Maxham and Koppich and in further view of Eagle et al. (U.S. Patent Publication No. 2003/0145209, hereinafter Eagle); Claim 24 was rejected over Maxham, Howard and Gladney (U.S. Publication No. 2003-0131241); (Claims 28, 40 and 41 were rejected over Maxham in view of Krachman (U.S. Publication No. 2004-0199555);

(Claims 29-32 and 35 were rejected as being unpatentable over Maxham and Koppich and in further view of Kenner (U.S. Patent No. 6,421,726); Claims 33 and 34 were rejected as being unpatentable over Maxham, Koppich, Kenner (U.S. Patent No. 6,421,726) and in further view of Black et al. (U.S. Patent Publication No. 2002/0059317, hereinafter Black); Claim 36 was rejected as being unpatentable over Maxham in view of Koppich, Kenner and in further view of McIver (John McIver “AutoVue Solid Model Professional Version 15-Review”); and Claim 37 was rejected as being unpatentable over Maxham and Koppich, Kenner and McIver in further view of “Windows Tips”.

All of the remarks provided in the Response of May 29, 2008 are equally relevant to the presently filed Amendment, and therefore are incorporated herein by reference in their entirety.

A primary issue that appears to be inhibiting prosecution in the present application is outlined in paragraph 22 of the Office Action. In paragraph 22, the Office asserts that “Maxham is directed to a system that is web-based on the web vendor service”. The Office Action points out in the first full paragraph at page 33 that “while Maxham is web-based system, the claim is not specific in regards to user-site and on-site. The terms do not lay out enough specifics to differentiate between real world sites versus virtual sites...as seen in therefore, the claims are still broad enough to read on the Maxham reference with regard to how the independent claim limitations”.

In reply, and as discussed at the interview on May 6, 2008, the invention defined by Claim 49 is directed to a device that loads data at a user site. The Office has now taken the position that the claim language regarding the user site is not specific enough to differentiate a web-based system like Maxham.

In order to address the Office’s concern, Claim 49 has been amended to clearly

distinguish a web-based service like that in Maxham. For example, amended Claim 49 requires “physically loading and coping data and associated meta-data into a processor-based device by a user from one or more storage devices located at a user site, said processor-based device being located at said user site”. Also, the next claim element requires “inputting from the user on-site user input to said processor-based device for subsequent processing of a working copy...”. Once again, this language has been inserted to indicate that the processing of the working copy is done at a physical location in which the original data was physically loaded. This is intended to differentiate a web-based system, where the processing is done in some remote location. It is believed this language in amended Claim 49 expressly distinguishes the web-based system like Maxham. As further emphasis, the converting step has been amended to indicate that the converting is done with the processor-based device. Claims 51 and 52 have been similarly amended.

Thus, in light of the amendments to Claims 49-51 (namely all the independent claims), it is believed that Maxham is directed to a web-based web vendor service in which a client would lose control over the data, and the processing performed on that data. It is believed that each of the presently pending claims distinguish such a web-based vendor service like Maxham. Since all of the prior art rejections are based on Maxham alone, or Maxham in view of a secondary or tertiary reference asserted for other reasons, it is respectfully submitted that no matter how Maxham is combined with the secondary or tertiary references, the combination does not teach or suggest all of the elements of the presently pending claims.

Therefore, it is respectfully submitted that Claims 3-41, 44-46 and 49-51, as amended,

is patentably distinguishing over the prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

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